

1      Richard L. Elmore (NSB #1405)  
 2      relmore@hollandhart.com  
 2      HOLLAND & HART LLP  
 3      5441 Kietzke Lane, Second Floor  
 3      Reno, Nevada 89511  
 4      Telephone: (775) 327-3000  
 4      Facsimile: (775) 786-6179  
 5      J. Lee Gray (Admitted *pro hac vice*)  
 6      lgray@hollandhart.com  
 6      HOLLAND & HART LLP  
 7      6380 South Fiddlers Green Circle, Suite 500  
 7      Greenwood Village, Colorado 80111  
 8      Telephone: (303) 290-1600  
 8      Facsimile: (303) 290-1606  
 9      *Admitted Pro Hac Vice*

10     Attorneys for Defendant Roy A. Walker

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
SEP 28 2011	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY:	DEPUTY

11     THE UNITED STATES DISTRICT COURT  
 12     FOR THE DISTRICT OF NEVADA

13     MB FINANCIAL BANK, N.A., a national  
 14     banking corporation.,

Case No.: 3:10-CV-00636-RCJ-VPC

15     Plaintiff,  
 16     v.  
 17     ROY A. WALKER, a Nevada resident,  
 18     Defendant.

SECOND JOINT MOTION TO  
 EXTEND DEADLINE TO FILE  
 DISPOSITIVE MOTIONS

20     Plaintiff MB Financial Bank, N.A. ("MB Financial") and Defendant Roy A. Walker  
 21     ("Walker") (collectively, the "Parties"), jointly move the Court for an order granting the Parties  
 22     an additional fourteen days, through and including October 12, 2011, to file dispositive  
 23     motions. The Parties likewise request a corresponding extension of the Joint Pretrial Order  
 24     deadline. In support of this motion, the Parties respectfully state as follows:

26     Procedural Background

27     1. Pursuant to the Court's January 12, 2011 [Dkt. 69] Order, the following  
 28     deadlines have been established: (1) Fact discovery deadline - April 29, 2011; (2) Disclosure of

HOLLAND & HART LLP  
 5441 Kietzke Lane  
 Second Floor  
 Reno, NV 89511

1 expert witnesses - May 31, 2011; (3) Disclosure of rebuttal experts - June 28, 2011; (4)  
2 Deadline to complete depositions - July 27, 2011; (5) Dispositive motions deadline - August  
3 29, 2011; and (6) Joint pretrial order deadline - September 30, 2011.

4 2. At this time, all necessary discovery has been completed. In particular, the  
5 parties, respectively, have completed written discovery, produced all requested discoverable  
6 documents in their possession, and have engaged in third-party discovery. The Parties have  
7 also completed all depositions. Neither Party intends to introduce expert witnesses at trial.

8 *The Parties Have Engaged in Good Faith Settlement Negotiations*

9 3. On or about July 26, 2011, and in furtherance of the ongoing settlement  
10 negotiations, the Parties met in-person in Reno, Nevada. At the conclusion of the meeting  
11 Walker made a good faith counter-proposal to MB Financial that involved the exchange of title  
12 to certain real property.

13 4. The Parties believe there is a realistic possibility of settlement. Unfortunately,  
14 due to the inclusion of the real-property as part of a settlement, certain time-consuming  
15 preliminary tasks must be performed as part of the Parties' negotiations.

16 5. For example, internal procedures at MB Financial require a full appraisal of the  
17 real property described above. This appraisal has been completed, but delayed MB rendering it  
18 unable to provide its response to Walker's settlement proposal prior to September 22, 2011.

19 6. In addition, because Walker owns the real property in question jointly with a  
20 third-party, he must first negotiate acquisition of the entire property prior to responding to  
21 MB's counter-offer.

22 7. The Parties both believe that they are getting close to a successful resolution of  
23 this case. But the Parties require additional time to complete the tasks necessary include the  
24 real property as partial consideration of a settlement.

HOLLAND & HART LLP  
5441 Kietzke Lane  
Second Floor  
Reno, NV 89511

*Good Cause Exists for this Requested Extension*

8. The Parties have and continue to actively negotiate an amicable resolution to the matter in good faith. However, to the extent the Parties are ultimately unable to resolve their differences without the Court's involvement, they both intend to file dispositive motions as certain issues appear to be ripe for summary adjudication, and will streamline or obviate issues necessary for trial.

9. This is the second extension of time requested by the Parties and neither Party will be prejudiced by an extension.

10. In light of the above, good cause exists for this joint request for a brief, two-week extension of time. .

WHEREFORE, MB Financial and Walker jointly request that the Court enter an order (1) extending the deadline within which the Parties must submit dispositive motions an additional fourteen days, through and including October 12, 2011, and (2) granting a corresponding extension of the Joint Pretrial Order deadline.

Dated this 26th day of September, 2011.

By: /s/ Lee Gray

HOLLAND & HART LLP  
5441 Kietzke Lane, Second Floor  
Reno, Nevada 89511

6380 S. Fiddlers Green Cir., Suite 500  
Greenwood Village, Colorado 80111

**Counsel for Roy A. Walker**

By: /s/ S. Jarret Raab

SHAW GUSSIS FISHMAN GLANTZ  
WOLFSON & TOWBIN LLC  
S. Jarret Raab, IL #6294632  
321 N. Clark Street, Ste. 800  
Chicago, IL 60654

LEWIS AND ROCA, LLP  
Laury M. Macauley, NV Bar #11413  
50 West Liberty Street, Ste. 410  
Reno, Nevada 89501

Counsel for MB Financial Bank, N.A.

IT IS SO ORDERED.

U.S. MAGISTRATE JUDGE

DATED: September 28, 2011

## **CERTIFICATE OF SERVICE**

I hereby certify that on September 26, 2011, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Richard L. Elmore relmore@hollandhart.com

Richard Allen Saldinger [rsaldinger@shawgussis.com](mailto:rsaldinger@shawgussis.com), [msalazar@shawgussis.com](mailto:msalazar@shawgussis.com)

Peter J. Roberts [proberts@shawgussis.com](mailto:proberts@shawgussis.com)

Stephen J. Raab [jraab@shawgussis.com](mailto:jraab@shawgussis.com)

James Lee Gray [jgray@hollandhart.com](mailto:jgray@hollandhart.com)

By: /s/ J. Lee Gray

5242299\_1.DOC

HOLLAND & HART LLP  
5441 Kietzke Lane  
Second Floor  
Reno, NV 89511